

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of |) | |
| |) | |
| International Comparison and Consumer |) | GN Docket No. 09-47 |
| Survey Requirements in the Broadband |) | |
| Data Improvement Act |) | |
| |) | |
| A National Broadband Plan for Our Future |) | GN Docket No. 09-51 |
| |) | |
| Inquiry Concerning the Deployment of |) | GN Docket No. 09-137 |
| Advanced Telecommunications Capability |) | |
| To All Americans in a Reasonable and |) | |
| Timely Fashion, and Possible Steps to |) | |
| Accelerate Such Deployment Pursuant to |) | |
| Section 706 of the Telecommunications |) | |
| Act of 1996, as Amended by the Broadband |) | |
| Data Improvement Act |) | |

To: Secretary, Federal Communications Commission
Attention: The Commission

**COMMENTS OF KVIE, INC.
IN RESPONSE TO NBP PUBLIC NOTICE # 26**

KVIE, Inc. provides these comments in response to the Commission's Public Notice¹ seeking comment in the referenced dockets on spectrum for broadband.

We are the licensee of noncommercial educational television station KVIE, Sacramento, CA. We are a community owned public television broadcaster and are the sole source of PBS and public television programming for the Sacramento, Stockton, Modesto television DMA and surrounding Northern California Area area. Our mission is to educate, enrich, enlighten and inspire diverse audiences through high quality television

and related services that enhance the quality of life for people in the communities we serve.

In the Public Notice, with a mind toward finding additional spectrum to allocate for wireless broadband purposes, the Commission seeks specific data on the use of spectrum currently licensed to broadcast television stations. Among other things, the FCC is attempting to account for the value that the country puts on free, over-the-air television. As reflected in the information we provide below, we urge that our use of our licensed television broadcast channel is exceptionally efficient and productive, and it brings great value to our communities and that the cost to us and to our communities in the loss or curtailment of our over-the-air transmission service would be unacceptable.

Comments

We efficiently and effectively use our allotted 6 MHz spectrum. We broadcast 24 hours a day, 7 days a week. We provide a robust multicast service consisting of HDTV (KVIE HD) and two SDTV, (KVIE2 and KVIE V-me) program channels, as well as a data cast service. Of the 19.39 Mb/S transport stream allowed in our 6 MHz channel KVIE HD occupies 12 Mb/S, KVIE2 occupies 2.4 Mb/S, KVIE V-me occupies 2.4 Mb/S and the data cast service occupies 500Kb/S. We plan to provide a free to the public Mobile DTV broadcast service. We are in the process of adding the equipment necessary to enable Mobile DTV service and have reserved 2Mb/s for this service.

More than 85% of programming on KVIE HD is broadcast in high definition. Our HDTV content consists of high quality programming from PBS such as Masterpiece, NOVA, Nature, PBS NewsHour, Sesame Street, and specials from filmmaker Ken Burns. In addition, KVIE produces and airs HDTV series such as America's Heartland and

¹ *Data Sought on Uses of Spectrum - NBP Public Notice #26*, GN Docket Nos. 09-47, 09-51, 09-137,

ViewFinder. KVIE2 complements KVIE HD's schedule with unique quality programs that educate, enrich, enlighten and inspire, as well as programs that are aired on different days and times from KVIE HD in order to serve as much of our community as possible. KVIE2 serves our seniors in the region when KVIE HD is presenting educational programming for preschoolers. After school, KVIE2 presents programs for school-aged children when KVIE HD is presenting programs for adults. KVIE V-me is a 100% Spanish language program service serving Spanish speaking populations throughout our service area, the 10th largest Spanish-speaking television market in the country. Program content on KVIE V-me is similar in scope to our main channel, presenting educational programs of interest to children and adults. With KVIE HD, KVIE2, and KVIE V-me we provide a rich multiplex of high quality programming to ensure the broadest possible service to our community.

In the third quarter of 2009, viewing of video using mobile devices has grown 53% over the same period last year.² This increase of viewing video on mobile devices is not instead of but in addition to traditional television viewing. To date, all mobile video has required some kind of subscription in order to receive video content. The new ATSC Mobile Video Standard allows traditional television broadcasters to provide video and other content to mobile devices free of charge. We see mobile video as an important segment of free over-the-air television broadcasting going forward. We are actively preparing to provide mobile DTV services and plan to invest well over \$200,000 in the next 18 months for the necessary modifications to our transmission system. We see Mobile DTV as a way to bring all that is KVIE and public broadcasting to mobile device

^{2,3} Nielsen A2/M2 Three Screen report Volume 6 3rd Quarter 2009

users, while at the same time continuing to provide all of the traditional broadcast services our viewers currently enjoy.

Free over-the-air broadcast is still the most efficient and effective means to distribute television content to viewers. 99% of video watched by Americans is viewed on traditional television.³ We estimate that well over 50% of the 5.9 million⁴ people in the KVIE service area rely on over-the-air reception of KVIE in one form or another. Only three local cable systems serving our market have a direct connection to KVIE. In addition to the individual viewers that use antennas to receive KVIE, all other cable and MATV systems in our service area as well as DirecTV and Dish Network rely on over-the-air reception to deliver KVIE programming to their subscribers. In some cases subscription based providers only carry KVIE HD programming and not our SD program streams. In those cases reception of KVIE2 and KVIE V-me is only available over-the-air.

The Public Notice suggests that alternate means could be employed to provide KVIE programming to DBS, cable systems, MATVs and individual viewers now dependent on our over-the-air broadcast service. The financial viability of a point to multi point connection system rests primarily in the cost of the medium used for the transport of the content. We believe that free over-the-air television broadcast will remain the most cost effective and most efficient method to deliver public television content to every viewer when compared to the capital and operational cost of the fiber and or copper based links that would be necessary to deliver KVIE programming to subscription based systems and individuals now relying on over-the-air broadcast to receive KVIE.

⁴ FCC DTV Signal Loss Report 12/23/2008

In the Public Notice, it is suggested that over-the-air broadcasters in a given market could share bandwidth which would allow more spectrum for mobile broadband. Aside from the cost sharing of the actual transmission facilities, with this approach we see no advantage for KVIE or broadcasters in general. We would have to cease broadcasting HDTV content in order to make meaningful reductions in the spectrum we now use. Our over-the-air broadcasts would probably consist of only one or maybe two low-quality SD programs. This would result in a two-tiered system with free over-the-air broadcasting at a severe disadvantage compared to subscription-based services. We choose to be a Must Carry station on cable systems in our service area. Cable systems might argue they then need only carry our SD program stream but would continue to offer high-quality subscription based HDTV programming to their subscribers. This would render useless the millions of dollars we have spent upgrading our production and transmission facilities to HDTV. Under this scenario, KVIE viewers would lose two-thirds of the programming choices they now have. At the urging of the Federal Government's mandate of conversion to digital television broadcasting, the American public has invested billions in new digital television sets and continues to do so at a record breaking pace. These investments were made on the promise of freely available high-quality HDTV content, as well as expanded multi-channel services. In addition to a diminution of traditional broadcast services in this scenario, broadcasters would not be able to provide free mobile DTV services.

Since beginning DTV transition, we have invested well over \$5,000,000 for related transmission equipment, tower modifications, and antennas. We made this investment pursuant to Federal Government mandates and to continue to fulfill our

obligation to bring the highest quality public broadcasting content to our viewers. These funds were raised from charitable donors, foundations, and the Federal Government--all with the firm expectation that these funds and the facilities they purchased would continue to provide a robust public television service.

Conclusion

Based on the foregoing reasons, we urge the Commission to find that our use of our television broadcast channel is efficient and productive, and that it abundantly serves the public interest both now and in the future. Our free to the public over-the-air transmission capabilities must be protected in any effort that the Commission might undertake to allocate more spectrum for wireless broadband systems.

Respectfully submitted,



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